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September 14, 1999

Mr. Snow
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Subject: CALFED Bay-Delta Program Programmatic Environmental Impact Statement/Environmental Impact Report Draft June 1999

Dear Mr. Snow:

Thank you for extending to us the opportunity to comment on the subject document. Generally, we found CALFED's document to be informative and well-written. Water is essential to physical and economic existence in California, as each stakeholder recognizes. Stakeholders are many and diverse; each stakeholder will undoubtably find issues of concern with the document, and we are no exception. Our comments are attached. However, we have been very impressed with the openness and intensity of the process. We hope that this tradition of openness and genuine searching for solutions will continue to be a hallmark of the CALFED Bay-Delta Program.

If you have any questions, please call Patrick Minturn at (530)225-5133.

Sincerely,

Glenn Hawes, Chairman
Board of Supervisors

Attachments

GENERAL COMMENTS

1. Regulatory enforcement and mandates on local governments in the upstream areas should not be used as mitigation for state and federal projects in the Delta. Lead agencies are responsible for fully mitigating the impacts of their projects. By relying upon others to mitigate, the lead agencies are failing to take responsibility for their projects.

2. The proposed pilot diversion and conveyance facility is not adequately defined. These facilities are prominent and controversial features of the proposed program. They must have been extensively refined in order to facilitate effective modeling. However, all of this definition has been omitted from the subject document. This supporting documentation should be fully disclosed.

3. Expanded surface storage was found to be beneficial for all alternatives, under all scenarios. The data is clear and unambiguous. Hence, new surface storage in the Sacramento Valley should be a common element.

4. The Environmental Water Account was introduced as a concept. If it were properly tailored, we could embrace it as a common element. However, it was not sufficiently defined to permit a reasonable analysis. If the proposal is to finance the purchase of water for environmental purposes, without corresponding reductions in prescriptive environmental set-asides elsewhere, there will be adverse impacts to urban and agricultural users.

5. Though the latest document is larger than any of its predecessors, it contains far less detailed information than was contained in the earlier drafts. If we are all truly going to get better together, then detailed information should be the programs best advertising.

6. Increased export capacity coupled with restrictions on beneficial uses of water in the areas of origin continues to be controversial. The preferred program alternative will increase export capacities, in many ways. Conversely, the Water Use Efficiency and Water Quality programs will both constrict water use in the Sacramento Valley, with little or no local benefits. In combination, these measures violate CALFED's "no redirected impact" principle.

7. Impacts on urban land use. CALFED has proposed a myriad of new programs that would affect land and water use. However, no impacts on urban land uses are recognized. One-dimensional land use decisions usually have unintended consequences; this is a very good reason to precede all land use decisions with thorough environmental processes. CALFED should take advantage of the opportunity posed by the environmental process to fully explore the land use implications of their proposed programs.

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CHAPTER 1. PROJECT DESCRIPTION

1.2 PROJECT DESCRIPTION AND PROGRAM PURPOSE AND NEED

Page 1-9, *Water Quality.* The document describes artificial sources of pollutants in elaborate detail. However, natural sources are not adequately differentiated. Natural pollutants are ostensibly both the causative factor and the trigger mechanism for construction of the pilot diversion at Hood, a major project element. Therefore, a more detailed breakdown of these pollutants is appropriate.

CHAPTER 2. ALTERNATIVE DESCRIPTIONS

2.1.2 OVERVIEWS OF THE EIGHT PROGRAM ELEMENTS

Page 2-8, *Water Quality Program.* The primary goal of this program is ostensibly to reduce the loads and impacts of Bromide and Total Organic Carbon. The sources of these contaminants are the ocean and the Delta, respectively. However, most of the immediate actions entail source reduction in the watersheds. Since your problem area is the Delta and your solution area is the watershed, we conclude that there is a mismatch between the goals and actions of this program.

Page 2-11, *Water Use Efficiency Program.* There are references here to strategic plans, measurable objectives, gathering information, measuring effectiveness, studies, research, etc. This is an improvement over previous drafts, which went on to say that if arbitrary standards were not attained, new regulatory mandates would quickly follow. We take this omission to mean that there is not going to be any sort of a "hammer." If there is a hammer in the toolbox, it should be disclosed.

Page 2-18, *Preferred Program Alternative, North Delta Improvements.* The size and configuration of the proposed isolated conveyance facility is not disclosed in sufficient detail. There is some discussion of a 2,000 to 4,000 cfs diversion. This is an improvement over previous proposals, which ranged as high as 15,000 cfs, a size that we found to be far beyond any demonstrated drinking water quality need. However, the 4,000 cfs number is qualified, and no corresponding configuration has been put forth. We see a big difference between a 2,000 to 4,000 cfs pipeline, and a 15,000 cfs canal limited only by a 9,000 cfs pump station that could easily be upgraded later. And yet, either of these configurations could be implemented within the proposed document. This ambiguity is unacceptable, and should be resolved.

Page 2-19, *Preferred Program Alternative.* Process for triggering additional conveyance facilities. This key passage appears to open the door for expansions and extensions of the isolated conveyance facility, beyond the scope discussed elsewhere in the report. Furthermore, the criteria is overly rigid, in stark contrast to its vague and ambiguous context. If we are to be shackled to rigid standards (50 ppb bromide, 3* ppm TOC), then there should be thorough documentation of why they were chosen, and a scientific analysis of whether or not they will probably be attained. Perhaps an arbitrary decision will ultimately be necessary, but we see no reason to set an arbitrary numerical standard in advance of the decision.

CHAPTER 3. SUMMARY COMPARISON OF ENVIRONMENTAL CONSEQUENCES

3.1.4 SUMMARY OF ECONOMIC AND SOCIAL EFFECTS

Table 3-4, *Summary of Economic and Social Effects of the Preferred Program Alternative. Regional economics.* We dispute that the regional economy will benefit in the Sacramento Valley. The Water Quality element will be particularly damaging, creating a myriad of new regulations and significantly increasing the costs of land development, with no corresponding benefits in the Sacramento River region.

3.5 SUMMARY OF CUMULATIVE IMPACTS
3.5.3 SACRAMENTO RIVER AND SAN JOAQUIN RIVER REGIONS

Page 3-6. "These projects could potentially cause adverse impacts on all environmental resource categories except urban land use resources." However, Section 4.3.2, *Water Quality Program,* says otherwise: "Facilities to control and treat various discharge effluents would directly affect current land uses." We agree with your latter statement. The Water Quality program would profoundly impact urban land use resources, by restricting where and how urban land can be developed and used. There are already many limitations on the development and use of lands for urban purposes (floodplains, wetlands, habitats, etc). Further restrictions related to sediment loads and urban runoff characteristics will further constrict the availability of this limited resource. The nature and extent of this impact should be fully analyzed, and disclosed, and mitigated.

Table 3-2. *Summary of Beneficial Impacts Associated with the Preferred Program Alternative. Urban land and water use.* We disagree with the contention that the preferred program alternative will result in greater flood protection for urban areas. We foresee that it will be increasingly difficult to channelize and maintain drainages through urban areas. Existing and new drainage facilities will have to incorporate sedimentation basins and oil/water separators which will limit their capacities. Cities will seek to avoid rigorous new stormwater discharge standards by leaving existing drainages in their natural, flood prone states.

CHAPTER 4. GUIDE TO IMPACT ANALYSES AND DESCRIPTION OF LAND USE ASSUMPTIONS

4.3.2 WATER QUALITY PROGRAM

"Facilities to control and treat various discharge effluents would directly affect current land uses." Agreed. However, these impacts can and should be evaluated now, when they are being considered on a programmatic basis. They cannot, and should not, be considered when the individual projects are actually being constructed. By that time, it's too late; rigid regulations will already mandate their construction, despite the inevitable impacts to urban land uses that will ensue. See Section 3.5.3.

CHAPTER 5. PHYSICAL ENVIRONMENT

5.1 WATER SUPPLY AND WATER MANAGEMENT

5.1.1 SUMMARY

Page 5.1-1, Preferred Program Alternative. "Implementation of the Environmental Water Account may allow for more efficient use of water for environmental purposes and decrease the conflict in uses of Bay-Delta water supplies." Conversely, conflicts could be exacerbated if the EWA obtains a government credit card and buys everything in sight. The existing water allocation pattern in California is a zero-sum game; if the EWA is implemented with significant funding and no balancing reductions in prescriptive environmental flows, there will be adverse impacts to other users. This is a significant potential impact, and it should be addressed.

5.1.2.1 UNCERTAINTIES IN THE ASSESSMENT

Uncertainties in forecasting population growth, its geographic distribution, per capita water use, water conservation, etc have been greatly exaggerated. Past experience indicates that scientific estimates are reliable. Bulletin 160-98 forecasted future needs based upon past experience, and it says we need more water. This should be the starting point for all subsequent analyses.

5.1.7.3 SACRAMENTO RIVER AND SJR REGIONS

Page 5.1-35, *Water Use Efficiency Program.* "Reduced water demand would simply increase available supply for consumption in another region of the state." This statement is factually incorrect, unless it is CALFED's intention to fallow land in the Sacramento Valley. The Sacramento Valley is a closed system; everything winds up back in the river. There is very little "new" water to be had through conservation in the Sacramento Valley. We are very disappointed that, after five years, CALFED is still trying to say that water conservation in the Sacramento Valley will simply increase supplies for use elsewhere. Your own studies say this isn't so. Your document should be internally consistent.

5.2 BAY-DELTA HYDRODYNAMICS AND RIVERINE HYDRAULICS

5.2.6 NO ACTION ALTERNATIVE

Page 5.2-14, bookend assumptions (Criteria A and B). Criterion A assumes no increase in demands, and more restrictive environmental standards. Criterion B assumes a 10% increase in demands and existing environmental standards, consistent with Bulletin 160-98. The use of Bulletin 160-98 as a "bookend" of the extreme high range of future needs is scientifically indefensible. Bulletin 160-98's conclusions are reasonable, best-estimates of future needs, and they should stand alone as the basis for all planning efforts, including CALFED's. Alternately, if bookends are desired, then they should straddle Bulletin 160-98.

5.3 WATER QUALITY
5.3.1 SUMMARY

Page 5.3-1. "Population growth and future industrial development may increase waste loads to the Bay-Delta..." This has not happened in the recent past (since 1960), and is unlikely to happen in the future. Waste loads in the Sacramento River have not kept pace with population. On the contrary, significant improvements in treating and disposing of wastewater and other wastes have more than compensated for population increases. Notwithstanding these improvements, the watershed is so large and relatively uninhabited that both of these trends (population growth, improved waste disposal) have had relatively little impact on the watercourse. The only notable exception is acid mine drainage; improvements in handling of these wastes have significantly improved water quality. However, with this "low-hanging fruit" gone, there is relatively little potential to change water quality in the Sacramento Valley, one way or the other.

5.3.2 AREAS OF CONTROVERSY

Page 5.3-4. "The potentially significant impacts related to the increased discharge of nonpoint source pollutants from growth induced by the Preferred Program Alternative are likely to be unavoidable." Why is it possible to address nonpoint source pollutants in the Sacramento Valley, but not in the export areas, where growth would be induced?

Page 5.3-4. Mitigation of water use efficiency measures through improved wastewater treatment levels at municipal wastewater treatment plants. CALFED's water use efficiency program will result in increased sewage strength. By this mitigation strategy, the municipality would not only have to treat the stronger waste, but treat it to a higher standard. Peak wet weather flows would not drop significantly, so there would be no benefit to the municipality. This being the case, CALFED should be prepared to finance the necessary treatment plant upgrades.

Page 5.3-6, *Good Samaritan Protection*. The document says that CALFED agencies are hesitant to become directly involved in remediating abandoned mines and other environmental problems in the watershed, out of fear of liability. This contrasts with CALFED's expectations for local agencies to aggressively implement water use efficiency, water quality and other mandates, regardless the hurdles. If mine drainage is a real problem, then the CALFED agencies should get involved. If you don't want to get involved, then local agencies should receive similar dispensation.

5.4 GROUNDWATER RESOURCES
5.4.11 MITIGATION STRATEGIES

Page 5.4-49. Developing groundwater basin management plans as mitigation for CALFED actions. Local groundwater basin management plans have been grass roots undertakings. Shasta County and other Sacramento Valley communities have stepped up to the plate to manage their groundwater supplies for the future, with no help from CALFED or anybody else. These are indigenous and independent efforts, and so cannot be claimed as mitigation for CALFED actions.

5.7 TRANSPORTATION
5.7.7.3 SACRAMENTO RIVER AND SJR REGIONS

Page 5.7-9, *Water Quality, Levee System Integrity, Water Use Efficiency, and Water Transfer Programs.* The proposed Water Quality Program will have a significant, adverse impact on transportation systems by hindering road maintenance activities. Ditch cleaning to maintain proper drainage will be hampered by sediment restrictions. Weed abatement and vegetation control will be hindered by restrictions on the use of herbicides. These activities are already underfunded, particularly in remote areas. Alternate methods to accomplish these tasks do exist, but they are far more expensive, and have their own environmental impacts. For instance, ditch cleaning can be reduced through increased use of herbicides. Herbicide use can be replaced with mechanical mowing, but the costs, emissions, traffic disruptions, disturbance, etc are all far higher. Implementation of the Water Quality Program, without mitigation, would result in increased flooding, clear zone obstructions, and sight distance problems along rural roads; these problems would lead to increased accidents, and reduced levels of service. These impacts would be significant, and should be mitigated.

7.4 URBAN LAND USE
7.4.7.2 SACRAMENTO RIVER AND SJR REGIONS

Page 7.4-9, *Ecosystem Restoration, Water Quality, Levee System Integrity, Water Use Efficiency, Water Transfer, and Watershed Programs.* "These programs are not anticipated to affect urban land use in the Sacramento River or SJR Region." We understand that the Water Quality Program and the Water Use Efficiency Program will profoundly affect urban land use in the Redding area. These programs will create additional constraints on when, where, and how land can be developed, and water can be used. Often, these new constraints will be at odds with the adopted general plans, and other factors. For instance, erosion control regulations may be so severe, as to make mass grading impractical in some geological areas. An area may be suitable for development from infrastructure and planning standpoints (water, sewer, roads, drainage, fire, schools, proximity to existing urban areas, etc), and yet the new standards could make it technically infeasible. An example that comes to mind is the Middle Creek watershed, with decomposing granite and mountainous terrain. If development cannot proceed in the Middle Creek watershed, Shasta County's general plan for orderly development will be disrupted. Development will be redirected into other areas that are less suitable overall. It will be necessary to extend water, sewer, and roads, and otherwise develop infrastructure that is readily available elsewhere, but has been rendered unusable by the proposed CALFED actions. These are potentially significant impacts; they should be quantified and mitigated.

7.6 UTILITIES AND PUBLIC SERVICES

Table 7.6-4, *Characteristics of Some Providers in the Other SWP and CVP Service Areas.* There is a unit error in the third column. It should be "million gallons per year" not "million gallons per day."

Page 7.6-12, *Water Quality Program.* See comments related to Page 7.4-9. It will be necessary to extend water, sewer, and roads, and otherwise

develop necessary infrastructure that is readily available elsewhere, but will have been rendered unusable by the proposed CALFED actions. These are potentially significant impacts; they should be quantified and mitigated.

Page 7.6-13, *Water Use Efficiency Program.* This program will be a significant burden upon existing water districts. Furthermore, customers will seek to escape the new regulations by building outside of existing water districts, relying upon onsite systems instead. Development will be redirected away from existing urban areas, where reliable infrastructure is available. Within Shasta County, development will compete with agriculture for fertile lands overlying the best portions of the Redding Groundwater Basin. Infrastructure dispersal and urban sprawl will be significant impacts of the Water Use Efficiency Program.

7.10 REGIONAL ECONOMICS
7.10.3.3 SACRAMENTO RIVER REGION

The text again contains an erroneous annual growth rate for the Sacramento River Region. The text says that the Sacramento River Region's population increased at an annual rate of 8.26% from 1970 to 1990. Had this been so, there would now be 6 million people in the Sacramento Valley. The actual growth rate was about 3% over this period. This same mistake has been repeated in successive documents. Please note our comments this time.

7.10.7 CONSEQUENCES: PROGRAM ELEMENTS COMMON TO ALL ALTERNATIVES
7.10.7.3 SACRAMENTO RIVER REGION

Page 7.10-15, Water Quality Program. "Implementation costs associated with the Water Quality Program could result in short-term adverse impacts, but construction expenditures could be beneficial to the local economy." This statement has no foundation in economics. Regulatory compliance costs are always a drag on the local economy. Furthermore, regulations can have an adverse multiplier effect, killing potential opportunities for economic development that may be marginal to the individual developer, but which would have widespread benefits to the region. Far from being beneficial to the local economy, the proposed water quality regulations will inflict a significant economic impact upon the local economy. This impact should be mitigated.

This concludes our comments.

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September 1, 1999

Mr. Lester Snow
CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

RE: CALFED BAY-DELTA PROGRAM
Programmatic Environmental Impact Statement/Environmental Impact Report

Dear Mr. Snow:

The Northern Sacramento Valley CALFED Advisory Group reconvened last week to assess how the CALFED Bay-Delta Program (CALFED) draft preferred alternative will impact the Sacramento Valley. Participants at this meeting expressed unease and dissatisfaction with the direction CALFED appears to be heading, especially with the Record of Decision looming less than one year from now. Those of us in the Sacramento Valley are very concerned that select elements of CALFED's proposed program are currently being implemented well in advance of EIS/EIR public input and a Record of Decision and that many of the issues conveyed to CALFED by this group over two years ago still remain unaddressed.

Specifically, what benefits does the CALFED proposed solution bring to the Sacramento Valley? In its current form, there appears to be limited benefits in this plan for Northern California water users. The preferred alternative provides no new water for our region, and advocates that water and land will be removed from agriculture to compensate for Bay-Delta problems that were not caused by our actions. CALFED has advocated that "we all get better together with no redirected impacts". Not only are we not getting better, but our region will bear the brunt of redirected impacts associated with a solution that prioritizes the Bay-Delta and the export interest that rely upon it. We are alarmed by several premises interwoven through the draft preferred alternative:

The solution provides no new water to the Sacramento Valley and does not appear to compensate for water already lost due to CVPIA and the ESA.

CALFED must provide assurances that all aspects of water management - including new surface as well as groundwater storage - will move forward

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together with equal emphasis. Assurances can only be achieved through actions that demonstrate that these programs will move forward. We cannot bear the risks associated with holding off on new storage until "soft path" measures are satisfied.

Additional specific information on storage and conveyance facilities is needed to fully link background studies to proposed actions. For example, the size and configuration of the proposed Hood diversion and conveyance modification is not disclosed in sufficient detail. On the other hand, the criteria for triggering the door to expansions and extensions to this facility are overly rigid.

The Environmental Water Account requires additional explanation and assurances that: 1) Clear and practical criteria that will hold EWA Agencies accountable for their actions; and 2) program water acquired north of the Delta will impart local water supply reliability, environmental and economic benefits.

CALFED should develop a "Local Coordination Plan" that clearly shows how all CALFED program elements, particularly those involving groundwater or acquisitions of land and water, will be implemented in concert with input from local interests. CALFED must define the assurances that will ensure that projects initiated within the scope of the preferred alternative will meet criteria established by area-of-origin in protections, local laws and ordinances and local Groundwater Management Plans.

CALFED's restoration efforts must consolidate the myriad of ongoing agency programs into a cohesive plan that focuses on maintaining existing habitat and fully utilizes public lands prior to acquiring new land. CALFED should carefully consider and plan to avoid adverse social, economic or environmental effects to local communities before embarking on a large-scale ecosystem restoration program.

CALFED should summarize existing regulatory programs, explain associated authority and develop a coordinated plan that shows how conflicts between the Endangered Species Act, Clean Water Act, Central Valley Project Improvement Act and other regulatory mandates will be rectified.

Sacramento Valley water use efficiency will not produce new water to satisfy Bay-Delta needs. We are concerned that the preferred status given to users who somehow comply with efficiency standards may in effect elevate those water rights above "non-compliant" users (see page 124, Revised Phase II Report). Where is the "base line" for conservation efforts drawn? CALFED must absolutely avoid advocating crop control and/or land fallowing as a method of securing program water from the Sacramento Valley.

Our discussion of these concerns, as well as our views expressed over two years ago regarding flood control, new facilities, groundwater and other area-of-origin concerns

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have been expanded upon in the document that is attached. We urge that you consider these critical issues as you refine a solution to satisfy the environmental and water supply problems of the Bay-Delta. Definite steps are proposed to take care of Delta exporters and environmental concerns in your plan. We need specific assurances of additional surface water supplies and/or supply reliability for the Sacramento Valley. The north state ecosystem and economy can not be sacrificed to improve the Delta and south state water supply.

Our concerns need to be addressed in detail by CALFED. We want substantiated, straight forward honest answers to our questions and welcome the opportunity to meet with you to discuss these issues face-to-face. If you have any questions or would like to arrange a meeting with our group, please do not hesitate to contact Roger Sherrill at 530-347-3835.

Sincerely,

A:\Snow ltr.wpd